

CERTIFIED FOR PUBLICATION

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION THREE

COSTA MESA CITY EMPLOYEES'
ASSOCIATION,

Plaintiff and Respondent,

v.

CITY OF COSTA MESA et al.,

Defendants and Appellants.

G045730

(Super. Ct. No. 30-2011-00475281)

MODIFICATION OF OPINION;
NO CHANGE IN JUDGMENT

It is ordered that the opinion filed herein on August 17, 2012, be modified in the following particulars:

1. On page 8, first full paragraph beginning with “If the threshold”, after the double quotation mark, remove the internal quotation mark so it reads as follows: “(1) the likelihood that the moving party will ultimately prevail on the merits”

2. On page 8, at the end of the quoted sentence, after the word “injunction” delete the single quotation mark and the word “[Citation.]” and replace with the following end quotation mark (”) and add the following citation: “(*Butt v. State of California* (1992) 4 Cal.4th 668, 677-678.)”

3. On page 8, same paragraph, after the phrase “constituted an abuse of discretion” delete the word “[Citation.]” and replace with “(*Ibid.*)”

4. On page 8, same paragraph, after the word “However,” delete the single quotation mark and replace with a double quotation mark so it reads: “[t]o the extent that the trial courts”

5. On page 8, same paragraph, after the phrase “our review is de novo” delete the single quotation mark, and everything else to the end of the paragraph. Replace the single quotation mark with a double quotation mark and add the following citation: “(*O’Connell v. Superior Court* (2006) 141 Cal.App.4th 1452, 1463.)”

6. On page 12, first full paragraph of part III, in the citation to *Butt v. State of California*, delete “(1992)” and replace with “,*supra*,”

7. On page 12, same paragraph, same citation, delete “668” and replace with “at pp.”

8. On page 13, third full paragraph, after the citation to *Galvin v. Board of Supervisors*, delete the double quotation mark before the word “A.”

9. On page 13, same paragraph, after the phrase “. . . is inimical to the statute.”, delete everything to the end of the paragraph and replace with the following: “(See *Big Creek Lumber Co. v. County of Santa Cruz* (2006) 38 Cal.4th 1139, 1161.)”

10. On page 19, line 6, delete the phrase “section 37712” and replace with “section 37112.”

This modification does not effect a change in judgment.

BEDSWORTH, ACTING P. J.

WE CONCUR:

MOORE, J.

ARONSON, J.